

OGC 78-4832
24 July 1978

2636/1
OLC #78-2636/1

MEMORANDUM FOR : Deputy Director for Operations
[redacted]
Deputy Director for Administration
[redacted]
Deputy Director for Science & Technology
[redacted]
Inspector General
[redacted]
Legislative Counsel
[redacted]
Assistant for Public Affairs
[redacted]
National Foreign Assessment Center
[redacted]

FROM : [redacted]
Assistant General Counsel

SUBJECT : Review of Secrecy Agreements

1. The General Counsel recently asked Agency management to participate in a comprehensive review of the Agency's secrecy agreements, to be coordinated by this Office. Each of the organizations has responded and named a representative to participate in such a review.

2. These representatives are:

NFAC -
DDA -
DDO -
DDS&T -
OIG -
OLC -
Public Affairs -
OGC

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

3. I have attached a copy of Mr. Lapham's memo which indicates certain broad issues to be addressed in this review. His memo also encourages each of the participants to suggest other issues which may come to mind.

4. Let's plan to meet at 10:00 a.m. on 1 August in the OGC Conference Room, 7C40, to discuss the direction which this review can be expected to take and the type of final response we should work toward, and to entertain the additional issues which you may wish to present for consideration. Mr. Lapham has indicated he would like to speak to the group for a few minutes at that time.

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Att



OGC 78-4618
14 July 1978

2636 72-2636
sent by OGC

MEMORANDUM FOR: Director, NFAC
Deputy Director for Administration
Deputy Director for Operations
Deputy Director for Science & Technology
Inspector General
Legislative Counsel
Special Assistant for Public Affairs

FROM: Anthony A. Lapham
General Counsel

SUBJECT: Review of Agency Secrecy Agreements

1. In light of the controversy and intense public interest stirred up by the Snepp trial, and notwithstanding its successful outcome, I believe, and the Director concurs, that it is time to undertake a comprehensive review of the contents and administration of Agency secrecy agreements. By this memorandum I am asking each of you to designate one or more representatives to participate in such a review. Coordination of the review will be handled by [redacted] of this Office, and I would appreciate it if you would have your representative[s] contact [redacted] directly. His telephone extension [redacted]

2. As I see it the fundamental issues that need to be examined with respect to our present practices are as follows:

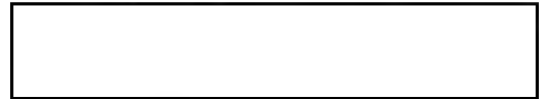
(a) Reasonableness. Are the secrecy obligations undertaken by Agency employees any broader than is necessary to protect the Agency's legitimate security interests;

(b) Clarity. Are the secrecy obligations stated in a way that makes them as clear and understandable as possible, and is there in fact a common understanding among Agency employees as to the nature and scope of these obligations;

(c) Application. Does the Agency deal fairly and efficiently with its own end of the bargain, as for example in the screening of employee or ex-employee [redacted] and are we properly organized for that purpose;

(d) Sanctions. Should Agency secrecy agreements include specific provisions (other than the rather useless and misleading references to the espionage laws) spelling out the consequences of a violation.

There may well be other major issues you would want to add to my list.



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Anthony A. Lapham

cc: DCI
DDCI
C/FOI&PLD/OGC